

Charitable activity in particular provides a unique link between us as members of the same community. Through volunteer work and efforts, each of us think of our neighbors, and even strangers, as our brothers and sisters, deserving of our care and help. All too often, abusive litigation has broken down that community spirit and made us look at each other as potential plaintiffs and defendants, rather than as neighbors and friends.

The Volunteer Protection Act will help rebuild that spirit by reducing litigation excesses. The bill provides relief from punitive damages for volunteers by providing that punitive damages may only be awarded against a volunteer in cases in which the claimant proves by clear and convincing evidence that the harm was caused by the defendant through criminal or willful misconduct or through a conscious, flagrant indifference to the rights and safety of the claimant.

The act also reintroduces some fairness into the system by reforming joint and several liability rules so that, where a volunteer is a defendant in an action, the volunteer will be liable for noneconomic damages only in proportion to the volunteer's responsibility for causing the harm. That is only fair. In addition, where a volunteer is not acting with gross negligence, recklessness, or in a more egregious fashion, that volunteer will not be liable for harm caused in the scope of the voluntary activity.

This legislation also includes a State opt-out provision, under which a State may opt out of the bill's provisions for cases in State court in which all parties are citizens of the State. No State is expected to elect out of the coverage of this bill's worthy provisions, but it was important to include such a provision out of respect for principles of federalism.

These reforms can help create a system in which plaintiffs sue only when they have good reason—and only those who are responsible for their damages—and in which only those who are responsible must pay. Such reforms will create an atmosphere in which our fear of one another will be lessened, and our ability to join associations in which we learn to care for one another will be significantly greater.

I thank my colleagues on both sides of the aisle for supporting this legislation. I look forward to continuing to work to achieve broader legal reforms, and I hope that the President will demonstrate his support for voluntarism by signing the Volunteer Protection Act into law.

Mr. McCONNELL. Mr. President, I am proud tonight to see that we are one small step away from providing protections for one of our most cherished resources—that is, the men and women who serve as volunteers throughout our communities. The Senate is prepared to pass this bill tonight, and we anxiously await the President's signature.

This country's long line of volunteerism is built upon the principle of loving your neighbor as yourself—of being a "Good Samaritan" and stopping along side the road to lend a helping hand. People from my home state of Kentucky understand and live this simple, yet powerful principle.

Unfortunately, this volunteer spirit has become another victim to our national epidemic of litigation. William Cople, former pro bono General Counsel for the National Capital Area Council of the Boy Scouts of America has written that, "volunteer service is under assault from an unlikely quarter—the civil justice system. Like so many others, volunteers and their service organizations have been swept into the courts to face potential liability in civil suits."

Moreover, even the Little League faces major league liabilities. As Dr. Creighton Hale, former CEO of Little League Baseball, has noted, the Little League has become the "Litigation League." For example, one woman won a cash settlement when she was struck by a ball that a player failed to catch. Incidentally, the player was her daughter.

The chilling effect of even one settlement or judgment is astounding. Again, I quote the Boy Scouts' former General Counsel who has explained: "a legal judgment entered in a single case can have a multitude of consequences extending far beyond that case itself. This surely is a reason for concern in the case of volunteers to service organizations."

It is precisely this type of reasoning and this type of horror stories-come-to-life that prompted me to introduce legislation to protect volunteers. I have introduced such legislation in 1990, 1993, and 1995. In this Congress, I have been proud to work with Senator COVERDELL to bring this bill to final passage, and I greatly appreciate his leadership.

Specifically, our bill protects volunteers: First, who act within the scope of their responsibilities, second, who are properly licensed or certified, where necessary, and third, who do not act in a willful, criminal or grossly negligent fashion.

The organizations whose volunteers will receive protection are both broad and worthy. Our bill not only covers 501(c)(3) organizations, but it also covers volunteers of the organizations which do good work, but do not have a tax exemption under 501(c)(3). For example, our bill covers volunteers of local charities, volunteer fire departments, little leagues, veterans groups, trade associations, chambers of commerce, and other nonprofit entities that exist for charitable, religious, educational, and civic purposes.

Finally, this bill is significant because it provides a national solution for a national problem. Bob Goodwin, president and CEO of The Points of Light Foundation, testified recently that a national solution is necessary

because "there is no consistency among our states with regard to volunteer liability statutes." Moreover, Mr. Goodwin explained that "the lack of consistency has led to confusion in the volunteer community." The Volunteer Protection Act responds to this need and provides a uniform minimum standard to protect our volunteers.

In closing, let me say a deep word of thanks to all the volunteers and leaders who have helped me push for this legislation over the past 7 years. In particular, I want to offer a special and heartfelt thank you to my wife, Elaine Chao, who has kept me focused on this issue, and been such a steady and constant voice for the men and women who serve in our communities.

I also thank the President for his efforts in joining with Gen. Colin Powell and with President Bush to promote volunteerism throughout our country. I encourage President Clinton to sign this legislation and provide much-needed protection for our volunteers.

Mr. STEVENS. I ask unanimous consent the Senate concur in the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING AWARDING A CONGRESSIONAL GOLD MEDAL TO MOTHER TERESA

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of H.R. 1650 which has been received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1650) to authorize the President to award a gold medal on behalf of the Congress to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities.

There being no objection, the Senate proceeded to consider the bill.

Mr. D'AMATO. Mr. President, I rise in order to urge the Senate to pass and send to the President, H.R. 1650, a bill to award Mother Teresa a Congressional Gold Medal.

I would like to take this opportunity to commend our colleague, the honorable Senator from Kansas, SAM BROWNBACK, for his tireless efforts to pass this legislation. Senator BROWNBACK first introduced a Senate version of this legislation, S. 689, earlier this month with overwhelming bipartisan support and cosponsorship.

That this legislation has moved quickly and easily through both Houses of Congress is a testament not only to Mother Teresa's humanitarian and charitable activities over a lifetime, but also to Senator BROWNBACK's hard work and commitment to honoring this outstanding human being.

The Congressional Gold Medal is the highest honor Congress can bestow on someone for acts and dedication to a cause that exceeds even the highest

standards. This bill honors Mother Teresa for her lifelong devotion to the sick and the needy in the most impoverished areas of the world. It also recognizes her work to build and sustain the Missionaries of Charities in 25 countries. Under her direction and following her example of selflessness, over 3,000 members of the Missionaries of Charities stand ready to continue her work.

Mr. President, Mother Teresa has already been awarded the Nobel Peace Prize and the Presidential Medal of Freedom. It is time for Congress itself to honor Mother Teresa and I commend Senator BROWBACK for initiating this legislation. I offer my personal thanks and congratulations to my colleague.

Mr. STEVENS. I ask unanimous consent the bill be considered read for a third time and passed, the motion to reconsider be laid on the table and any statements related to this bill be placed in the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1650) was read a third time and passed.

AUTHORIZING THE 1997 SPECIAL OLYMPICS TORCH RELAY

Mr. STEVENS. I ask unanimous consent the Senate proceed to consideration of House Concurrent Resolution 67 which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 67) authorizing the 1997 Special Olympics Torch Relay to be run through the Capitol Grounds.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid on the table and any statements related to the resolution appear at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 67) was agreed to.

NEW MEXICO STATEHOOD AND ENABLING ACT AMENDMENTS OF 1997

Mr. STEVENS. I ask unanimous consent the Senate turn to immediate consideration of Calendar 53, Senate bill 430.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 430) to amend the Act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. I ask unanimous consent the bill be read for the third time

and passed, the motion to reconsider be laid on the table, and any statements be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 430) was read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT TRUST FUNDS OF THE STATE OF NEW MEXICO.

(a) SHORT TITLE.—This Act may be cited as the “New Mexico Statehood and Enabling Act Amendments of 1997”.

(b) INVESTMENT OF AND DISTRIBUTIONS FROM PERMANENT TRUST FUNDS.—The Act of June 20, 1910 (36 Stat. 557, chapter 310), is amended—

(1) in the proviso in the second paragraph of section 7, by striking “the income therefrom only to be used” and inserting “distributions from which shall be made in accordance with the first paragraph of section 10 and shall be used”;

(2) in section 9, by striking “the interest of which only shall be expended” and inserting “distributions from which shall be made in accordance with the first paragraph of section 10 and shall be expended”; and

(3) in the first paragraph of section 10, by adding at the end the following: “The trust funds, including all interest, dividends, other income, and appreciation in the market value of assets of the funds shall be prudently invested on a total rate of return basis. Distributions from the trust funds shall be made as provided in Article 12, Section 7 of the Constitution of the State of New Mexico.”.

(c) CONSENT OF CONGRESS.—Congress consents to the amendments to the Constitution of the State of New Mexico proposed by Senate Joint Resolution 2 of the 42nd Legislature of the State of New Mexico, Second Session, 1996, entitled “A Joint Resolution proposing amendments to Article 8, Section 10 and Article 12, Sections 2, 4 and 7 of the Constitution of New Mexico to protect the State’s permanent funds against inflation by limiting distributions to a percentage of each fund’s market value and by modifying certain investment restrictions to allow optimal diversification of investments”, approved by the voters of the State of New Mexico on November 5, 1996.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the executive calendar: Calendar Nos. 76, 78 through 81, and 112.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid on the table, and that any statements relating to the nominations appear in the RECORD at this point, that the President be immediately notified of Senate’s action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

IN THE AIR FORCE

The following-named officer for appointment in the U.S. Air Force to the grade indi-

cated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. George T. Babbitt, Jr., 0000

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

to be lieutenant general

Maj. Gen. Tad J. Oelstrom, 0000

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. Richard B. Myers, 0000

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. Ralph E. Eberhart, 0000

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. John B. Hall, Jr., 0000

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force of the U.S. to the grade indicated under title 10, United States Code, section 624:

To be brigadier general

Col. Gary A. Ambrose, 0000
Col. Frank J. Anderson, Jr., 0000
Col. Thomas L. Baptiste, 0000
Col. Barry W. Barksdale, 0000
Col. Leroy Barnidge, Jr., 0000
Col. Randall K. Bigum, 0000
Col. Richard B. Bundy, 0000
Col. Sharla J. Cook, 0000
Col. Tommy F. Crawford, 0000
Col. Charles E. Croom, Jr., 0000
Col. Richard W. Davis, 0000
Col. Robert R. Dierker, 0000
Col. Jerry M. Drennen, 0000
Col. Carol C. Elliot, 0000
Col. Paul W. Essex, 0000
Col. Michael N. Farage, 0000
Col. Randall C. Gelwix, 0000
Col. James A. Hawkins, 0000
Col. Gary W. Heckman, 0000
Col. Hiram L. Jones, 0000
Col. Joseph E. Kelley, 0000
Col. Christopher A. Kelly, 0000
Col. Jeffrey B. Kohler, 0000
Col. Edward L. LaFountaine, 0000
Col. William J. Lake, 0000
Col. Dan L. Locker, 0000
Col. Teddie M. McFarland, 0000
Col. Michael C. McMahan, 0000
Col. Duncan J. McNabb, 0000
Col. Richard A. Mentemeyer, 0000
Col. James W. Morehouse, 0000
Col. Paul D. Nielsen, 0000
Col. Thomas A. Oriordan, 0000
Col. Bentley B. Rayburn, 0000
Col. Regner C. Rider, 0000
Col. Gary L. Salisbury, 0000
Col. Klaus O. Schafer, 0000
Col. Charles N. Simpson, 0000
Col. Andrew W. Smoak, 0000
Col. John M. Spiegel, 0000
Col. Randall F. Starbuck, 0000
Col. Scott P. Van Cleef, 0000
Col. Glenn C. Waltman, 0000
Col. Craig P. Weston, 0000